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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,705	02/24/2004	Youngee Jung	P2114US01	3679

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DITTHAVONG MORI & STEINER, P.C.
918 Prince Street
Alexandria, VA 22314

EXAMINER

PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
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2161

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/786,705	Applicant(s) JUNG ET AL.	
	Examiner Kavita Padmanabhan	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-23, 48-62, 64-70 and 95-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-23, 48-62, 64-70 and 95-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 101-102 have been added.
2. Claims 1-15, 17-23, 48-62, 64-70, and 95-102 are pending.
3. Claims 1-15, 17-23, 48-62, 64-70, and 95-102 are rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. **Claims 1-3, 6, 7, 9-15, 17, 19-22, 48-50, 53-62, 64, 66-69, and 95-102** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr** (US 2003/0045272) in view of **Ryan et al.** (US 2004/0215793, hereinafter "Ryan").

In regards to **claim 1**, **Burr** teaches a method, comprising:

receiving data at a first hand-held device from a second hand-held device via short range communication, wherein the data includes a connection log, of the second hand-held device, that specifies information relating to a previously established communication connection between the second hand-held device and one or more other hand-held device (**Burr; par [0017] – short-range communication; par [0018] – previously established communication connection; par [0019]**);

determining, at the first hand-held device, a match between the data received at the first hand-held device and other data associated with one or more other hand-held device within a short-range communication range of the first hand-held device, wherein the other data includes a connection log, of the first hand-held device, that specifies information relating to a previously established communication connection between the first hand-held device and the one or more other hand-held device (**Burr; par [0018]**); and

creating, at the first hand-held device, a log entry in accordance with the match (**Burr; par [0019]; par [0022]**).

Burr does not expressly teach generating a recommendation for presentation to a user of the first hand-held device in accordance with the match.

Ryan teaches generating a recommendation for presentation to a user of the first hand-held device in accordance with the match (**Ryan; pars [0232]-[0235] – presents recommendation that users A and B establish contact**).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Burr by incorporating the feature of Ryan, whereby when users with a common contact are in the same vicinity of each other, a recommendation will be generated that they meet, to further facilitate social networking (**Ryan; par [0232]—[0235]**).

In regards to **claim 2**, **Burr and Ryan** teach the method of claim 1, wherein the data received at the first hand-held device includes at least an identifier for data held by the second hand-held device (**Burr; par [0026]**).

In regards to **claim 3**, **Burr and Ryan** teach the method of claim 2, wherein the identifier is a unique identifier (**Burr; par [0026] – obvious that identifier would uniquely identify particular device**).

In regards to **claim 6**, **Burr and Ryan** teach the method of claim 2, wherein the data received at the first hand-held device includes a data element held by the second hand-held device (**Burr; par [0026]**).

In regards to **claim 7**, **Burr and Ryan** teach the method of claim 6, wherein the data element is a phone number (**Ryan; par [0065]**).

In regards to **claim 9**, **Burr and Ryan** teach the method of claim 1, wherein the data received at the first hand-held device is not browsable by the user (**Burr; par [0019]**).

In regards to **claim 10**, **Burr and Ryan** teach the method of claim 1, further comprising determining if the user already possesses data relating to the recommendation **(Ryan; pars [0232]-[0235])**.

In regards to **claim 11**, **Burr and Ryan** teach the method of claim 1, wherein the recommendation is provided at a particular period of time after the one or more criteria have been met **(Ryan; par [0232])**.

In regards to **claim 12**, **Burr and Ryan** teach the method of claim 1, wherein the recommendation is provided at a particular time of day after one or more criteria have been met **(Ryan; par [0232] – “particular time of day” is a broad limitation; since a recommendation is clearly provided at a particular time, that time at which the recommendation is provided is interpreted to be “the particular time of day”)**.

In regards to **claim 13**, **Burr and Ryan** teach the method of claim 1, wherein the recommendation is provided after the user performs an operation with the first hand-held device **(Ryan; par [0232])**.

In regards to **claim 14**, **Burr and Ryan** teach the method of claim 1, wherein the recommendation suggests to the user addition of data relating to the data received at the first hand-held device **(Ryan; par [0235] – phone number)**.

In regards to **claim 15**, **Burr and Ryan** teach the method of claim 14, wherein the data suggested for addition is held by the second hand-held device (**Ryan; par [0235]**).

In regards to **claim 17**, **Burr and Ryan** teach the method of claim 1, wherein Bluetooth is employed for the short-range communications (**Burr; par [0017]**).

In regards to **claim 19**, **Burr and Ryan** teach the method of claim 1, wherein one or more criteria provide for weighting of log entries (**Burr, par [0023]; Ryan, par [0074]**).

In regards to **claim 20**, **Burr and Ryan** teach the method of claim 1, wherein the recommendation is not provided after expiration of a validity period (**Ryan; par [0232]**).

In regards to **claim 21**, **Burr and Ryan** teach the method of claim 1, wherein the data received at the first hand-held device is updated (**Burr, par [0023], par [0030]; Ryan, par [0097]**).

In regards to **claim 22**, **Burr and Ryan** teach the method of claim 1, wherein the user is directed to a source for information regarding data suggested by the recommendation (**Ryan; par [0235]**).

Claims 48-50, 53, 54, 56-62, 64, and 66-69 are rejected with the same rationale given for claims 1-3, 6, 7, 9-15, 17, and 19-22, respectively.

Claims 95 and 96 are each rejected with the same rationale given for claim 1.

In regards to **claim 97, Burr and Ryan** teach the method of claim 1, further comprising: transmitting, to the second hand-held device via the short range communication, information corresponding to the log entry (**Burr; par [0019]**).

Claims 98-100 are each rejected with the same rationale given for claim 97.

In regards to **claim 101, Burr and Ryan** teach the method of claim 1, wherein the connection log information includes either connection type, connection duration, time of connection, date of connection, or a combination thereof (**Burr, par [0022], par [0023]; Ryan, par [0053], par [0054]**).

In regards to **claim 102, Burr and Ryan** teach the method of claim 1, wherein the data from the second hand-held device further includes address book information or information about content stored on the second hand-held device (**Burr; par [0019]; par [0026]**).

7. **Claims 8 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Robertson** (US 6,269,369).

In regards to **claim 8, Burr and Ryan** teach the method of claim 6.

Burr and Ryan do not expressly teach the data element being a universal resource locator.

Robertson teaches a URL in an address book/contact list (**Robertson; col. 16, lines 56-57**).

It would have been obvious to implement the method of Ryan and Burr wherein URLs are included as part of the attributes of a contact that are exchanged when the contact lists are exchanged, as a further means of contacting or learning about an entity.

Claim 55 is rejected with the same rationale given for claim 8.

8. **Claims 23 and 70** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Tsou et al.** (US 2002/0184089, hereinafter “Tsou”).

In regards to **claim 23**, **Burr and Ryan** teach the method of claim 1.

Burr and Ryan do not expressly teach an advertiser learning if the user complied with the recommendation.

Tsou teaches providing a wireless user with promotional advertisements and providing the advertiser with statistics regarding the effectiveness of those advertisements (**Tsou; par [0016] – par [0018]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to implement the method of Burr and Ryan, whereby users would be notified of promotional offers/recommendations from advertisers, and the advertisers would be notified of whether the users clicked on, i.e. complied with, the recommended promotions (**Tsou; par [0049]; par [0052]**).

Claim 70 is rejected with the same rationale given for claim 23.

9. **Claims 18 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Young et al.** (US 7,024,690, hereinafter “Young”).

In regards to **claim 18, Burr and Ryan** teach the method of claim 1.

Burr and Ryan do not expressly teach employing a one-way hash of a unique identifier associated with the second hand-held device in creating the log entry.

Young teaches employing one-way hashes of identifiers to enhance security of wireless communications (**Young; Abstract**).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Burr and Ryan, whereby the communication of data between the user hand-held devices is made more secure by employing one-way hashing, as taught by Young (**Young; Abstract**). The data transmitted to/from the wireless clients of Burr and Ryan, which is then used in determining matches/log entries, would thereby be more trusted.

Claim 65 is rejected with the same rationale given for claim 18.

10. **Claims 4 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Bieganski et al.** (US 6,412,012, hereinafter “Bieganski”).

In regards to **claim 4, Burr and Ryan** teach the method of claim 2.

Burr and Ryan do not expressly teach the identifier being an international standard book number.

Bieganski teaches recommending books to users via international standard book number (ISBNs) based on matches with books already selected by the user (**Bieganski; col. 18, line 50 – col. 19, line 11**).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Burr and Ryan, whereby ISBNs are sent to a user to recommend books that may be of interest to the user (**Bieganski; col. 18, line 50 – col. 19, line 11**).

Claim 51 is rejected with the same rationale given for claim 4.

11. **Claims 5 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Spooner** (US 2005/0034099).

In regards to **claim 5**, **Burr and Ryan** teach the method of claim 2.

Burr and Ryan do not expressly teach the identifier being an international mobile equipment identity identifier.

Spooner teaches the use of a session specific identifier within a Symbian OS (**Spooner; par [0023]**).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Burr and Ryan using a Symbian identifier, as taught by

Spooner, in order to check whether users or devices have the necessary rights to communicate
(Spooner; par [0023]).

Claim 52 is rejected with the same rationale given for claim 5.

Response to Arguments

12. Applicant's arguments filed 11/9/09 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Burr does not teach the claimed connection log. The examiner respectfully disagrees and asserts that Burr does indeed teach this feature, as set forth in the rejections above. Specifically, the contact lists of Burr are interpreted to be connection logs as claimed in that they specify information relating to previously established communication connections between devices (Burr; pars [0017]-par [0019]).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **(571)272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan
Primary Examiner, Art Unit 2161

January 25, 2010

/Kavita Padmanabhan/